

RULE

Department of Environmental Quality Office of the Secretary Office of Management and Finance Fiscal Services Division

Method of Fee Payment

(LAC 33:III.209, 211, 215; 33:V.5125, 5127, 5129, 5141;
33:VII.529; 33:IX.1307, 1309; 33:XI.307;
33:XV.2505, 2509, 2511)(OS20)



Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended LAC 33:III.209, 211.B.4, 215; V.5125.C, 5127, 5129, 5141.A.2; VII.529.D-F; IX.1307, 1309.G; XI.307.B.2, and C-D; XV.2505, 2509, 2511 (OS20).

The Office of Management and Finance proposed this rule to standardize methods for payment of annual monitoring and maintenance fees, specifically regarding date of payment, late payment, and failure to pay.

The regulation is needed to establish consistency among the individual divisions in the department regarding collection of annual monitoring and maintenance fees.

This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

These regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 2. Fee System of the Air Quality Control Programs

§209. Annual Fees

All parties conducting activities for which an annual fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996).

§211. Methodology

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[See Prior Text in A-B.3]

4. All invoices for annual maintenance fees for major sources shall be submitted to those sources during the fiscal year. The annual maintenance fee shall be applicable to the fiscal year beginning July 1 of each year and ending the following June 30. Failure to remit the annual maintenance fee in accordance with the above shall be considered grounds for revoking an existing permit. Maintenance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance inspection. In this case the maintenance fee must be paid within 30 days after notification by the agency of the amount due. Only one such fee shall be charged annually.

* * *

[See Prior Text in B.5-16.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996).

§215. Method of Payment

All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality, and mailed to the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repromulgated LR 14:612 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:706 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

Part V. Hazardous Waste and Hazardous Materials

**Subpart 1. Department of Environmental Quality—
Hazardous Waste**

Chapter 51. Fee Schedules

§5125. Annual Monitoring and Maintenance Fee

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[See Prior Text in A-B]

C. All annual fees provided by this Chapter shall be paid by the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:321 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 17:658 (July 1991), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

§5127. Payment

All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 18:725 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

§5129. Late Payment

Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 18:725 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

§5141. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee

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[See Prior Text in A-A.1]

2. This fee will be billed following completion of the trial burn or test burn and must be paid by the due date indicated on the invoice.

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[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:1375 (December 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter D. Solid Waste Fees

§529. Annual Monitoring and Maintenance Fee

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[See Prior Text in A-C]

D. Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

E. Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

F. Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

* * *

[See Prior Text in G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996).

Part IX. Water Quality

Chapter 13. Water Pollution Control Fee System

§1307. Definitions

All terms used in these regulations, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in substantive regulations promulgated by the secretary of the

Department of Environmental Quality, shall have their usual meaning. In addition, for purposes of these regulations, the following definitions apply:

* * *

[See Prior Text]

Due Date—the date indicated on the invoice.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources LR 11:534 (May 1985), amended LR 18:731 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

§1309. Fee System

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[See Prior Text in A-F]

G. Due Date. Fees shall be received by the department by the due date indicated on the invoice.

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[See Prior Text in H-M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§307. Fee Schedule

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[See Prior Text in A-B.1.b]

2. Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

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[See Prior Text in B.3-5]

C. Late Payment. Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

D. Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein shall constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

Part XV. Radiation Protection

Chapter 25. Fee Schedule

§2505. Annual Fees

All activities for which an annual fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice, except that any fee in excess of \$50,000, upon written application to, and approval of, the administrative authority, may be paid in installments over a period not to exceed six months, according to a payment schedule established by the division or the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

§2509. Method of Payment

Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

§2511. Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996).

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